

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Colburn, et al. Art Unit : 1722  
Serial No. : 10/781,278 Examiner : E. Luk  
Filed : February 18, 2004 Conf. No. : 2060  
Title : IMPRINT LITHOGRAPHY TEMPLATE HAVING A MOLD TO  
COMPENSATE FOR MATERIAL CHANGES OF AN UNDERLYING LIQUID

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF NON-COMPLIANT  
APPEAL BRIEF FILED JANUARY 4, 2007

In response to the notification having a mailing date of March 1, 2007, Applicants respond that the Appeal Brief does comply with 37 C.F.R. 41.37, contrary to the Notification. The Notification says that the independent claims 1, 9 and 17 should be clearly provided and the claims should be explicitly mentioned or mapped to the specification by page and line number, paragraph number, or to the drawings, if any. In the Appeal Brief in Section V, it is stated that the independent claims recite a template to form a recorded pattern on a substrate from a conformable material disposed between the template and the substrate, with the recorded pattern having recorded features with designed dimensions, the template comprising an original pattern having original features, with original dimensions, with the original dimensions differing from the design dimensions sufficient to compensate for volumetric changes of the conformable material that occurs upon the conformable material transitioning between first and second states. That section then goes on to state that this is supported by Fig. 9 and the specification, paragraph [0083]. Therefore, this portion of the appeal brief does recite what is cited in the independent claims, since the independent claims 1, 9 and 17 all recite essentially that material put forth in the appeal brief. Furthermore, Section V states that these independent claims are supported by Fig. 9 and the specification in paragraph [0083]. All that Applicants can think was omitted was that when the sentence started with "The independent claims..." that the numbers "1, 9, and 17" were not provided in that sentence. However, if this is the basis for the notification, then Applicants respectfully assert that providing notifications of such technicalities is an extreme

Applicant : Colburn, et al.  
Serial No. : 10/781,278  
Filed : February 18, 2004  
Page : 2 of 2

Attorney's Docket No.: 21554-002602 / PA95-37D13

measure, since the sentence does indicate what the independent claims recite, and a reasonable person can figure out that the independent claims happened to be claims 1, 9 and 17. Note, it is not necessary under 37 C.F.R. 41.37 that each of the independent claims be separately recited and then specifically mapped limitation by limitation to portions of the figures and the specification.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: May 4, 2007

Fish & Richardson P.C.  
One Congress Plaza, Suite 810  
111 Congress Avenue  
Austin, TX 78701  
Telephone: (512) 226-8148  
Facsimile: (512) 320-8935

Kelly A. Kordzik  
Reg. No. 36,571